

MINUTES

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

JUNE 20, 2016

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m. Upon roll call, the following responded:

Present:

Chairman Steve Lichtenfeld
Mark Winings, Aldermanic Representative
Craig Owens, City Manager
Sherry Eisenberg
Pepe Finn

Absent:

Ron Reim
Josh Corson

Also in Attendance:

Louis Clayton, Planner

Chairman Steve Lichtenfeld asked that all cell phone ringers be turned off, that conversations take place outside the meeting room and that those who wish to speak approach the podium and to be sure the green light on the microphone is on for proper recording of this meeting.

MINUTES

The minutes of the June 6, 2016 meeting were presented for approval. The minutes were approved, after having been previously distributed to each member.

CONDITIONAL USE PERMIT & ARCHITECTURAL REVIEW – GROUND-MOUNTED SOLAR SYSTEM – 7424 CROMWELL DRIVE (SINGLE FAMILY RESIDENCE)

Kevin Glines, contractor, was in attendance at the meeting.

Louis Clayton explained that the first proposal requires two reviews: conditional use and architectural review. He stated that the subject property is located on the south side of Cromwell Drive between Audubon Drive and Glenridge Drive, is zoned R-2 Single Family Dwelling District and contains a two-story single-family residence. The applicant proposes to install a ground-mounted solar energy system in the rear yard consisting of 12, +/- 6-foot tall solar panels oriented to the south. The proposed solar panels measure 5.4 feet by 3.3 feet and are set back 12 feet from

the rear property line and more than 12 feet from western side property line. The array will be screened from adjacent properties by an existing wood privacy fence. Article XXVIII: Renewable Energy Systems, requires that ground-mounted solar energy systems comply with the following standards:

1. Ground-mounted solar energy systems shall only be located in the side or rear yard of a property.
2. Ground-mounted solar energy systems and supporting structures may not exceed a total height of ten (10) feet as measured from the average grade at the base of the supporting structure to the highest edge of the system.
3. Ground-mounted solar energy systems must be substantially screened from public view (including adjacent properties and public rights-of-way) by fencing, walls, plantings, or other architectural feature or any combination thereof; provided however, that the screening shall not be required to be so dense, so tall, or so located as to render the equipment essentially non-functional.
4. Ground-mounted solar energy systems shall require the issuance of a conditional use permit pursuant to Article VII.

Louis stated that staff is of the opinion that the proposal is in conformance with the regulations for ground-mounted solar energy systems and meets the criteria for conditional use permit approval and therefore, recommends approval of the Conditional Use Permit to the Board of Aldermen.

Chairman Lichtenfeld asked Mr. Glines if he had anything to add.

Mr. Glines replied “no”; stating that the staff report is in line with the proposal.

Chairman Lichtenfeld solicited comments or questions from the Commission members and then the audience.

None were received.

Chairman Lichtenfeld commented that the project seems straightforward.

Louis Clayton announced that the project is in compliance with the established standards for ground mounted systems.

Hearing no further questions or comments and hearing nothing from the audience, Chairman Lichtenfeld called for a motion.

Pepe Finn made a motion to recommend approval of the conditional use permit to the Board of Aldermen. The motion was seconded by Craig Owens and unanimously approved by the members.

The architectural aspects of the project were now up for review.

Louis Clayton stated that he had nothing more to add, except that it is staff's opinion that the system will have minimal visual impact.

Chairman Lichtenfeld commented that it seems it will be well concealed.

Mr. Glines agreed; noting the large house and small driveway.

Chairman Lichtenfeld asked what percentage of electric will come from this system.

Mr. Glines indicated that he did not have that information this evening, but he could get it for them. He added that the home owner, Mr. Scharff, simply wants this as a back-up during a power outage.

Sherry Eisenberg asked for the height of the fence.

Chairman Lichtenfeld indicated that he visited the property and that the fence is a minimum of 5-feet in height; it may be 6-foot tall.

Mark Winings asked what the view will be from the opposite side of the fence.

Mr. Glines stated that one would mostly see the fence; noting that the photos distributed for this meeting are not scaled and are representative only.

Chairman Lichtenfeld commented that the top of the array may be seen from the house to the south; mostly from the second floor.

Bill Reller, owner of 7425 Somerset (behind subject property), informed the members that the fence is 6-foot tall. He asked the total height of the array.

Mr. Glines indicated that it won't be taller than 7 feet.

Mr. Reller commented that he will see it from his back yard.

Mark Winings asked if he was okay with that.

Mr. Reller replied that it depends; noting that it is sitting on the deck now.

Mr. Glines informed the members that Mr. Scharff purchased the system and then contacted them. He noted that it will be located south of the deck so it won't interfere with the deck.

Chairman Lichtenfeld stated that the array may shade part of the deck.

Mr. Glines agreed.

Mr. Reller asked about planting a hedgerow between the two properties.

Mr. Glines indicated that due to the setback, it wouldn't be an issue.

Chairman Lichtenfeld noted that there is a utility easement between the two properties.

Hearing no further questions or comments, Chairman Lichtenfeld called for a motion.

Pepe Finn made a motion to approve as submitted. The motion was seconded by Sherry Eisenberg and received the following roll call vote: Ayes: Craig Owens, Chairman Lichtenfeld, Sherry Eisenberg and Pepe Finn. Nays: Mark Winings. Motion carries.

Chairman Lichtenfeld asked when installation will take place.

Mr. Glines stated that they have to get one more approval and then they can pull the permit.

ARCHITECTURAL REVIEW - RETAINING WALLS – 7507 WELLINGTON WAY – MULTI-FAMILY RESIDENTIAL

Magdy Garas, owner, was in attendance at the meeting.

Louis Clayton explained that the subject property is located on the north side of Wellington Way between Glenridge Drive and Westwood Drive, is zoned R-6 Medium Density Multiple Dwelling District and contains a two-story multi-family building. On May 24, 2016, a city inspector observed a retaining wall under construction in the front yard. The partially constructed wall located adjacent to the front driveway consists of tan-colored, standard size modular blocks. Because the wall is over 4 feet in height it requires a building permit. The Zoning Code requires that all front yard retaining walls in residential zoning districts be approved by the Architectural Review Board prior to installation. The applicant has not submitted sufficient information to verify whether the proposed retaining walls encroach into the public right-of-way. A Stop Work Order was subsequently issued to stop construction of the walls until the applicant has received the proper approvals. The applicant requests to complete the construction of the walls using the same material on each side of the driveway. Louis noted that the Architectural Review Guidelines recommend that retaining walls be constructed of brick, stone or stucco to match the main structure. Modular block wall systems have been approved in the past provided they have varying block sizes, varying color patterns and tumbled or rolled edges. The material used in this case does not conform to these standards. The front yard retaining walls are highly visible from the street and incompatible with the red brick and white stone used on the existing building. Staff met with the applicant to discuss the history of the ARB's policy decision regarding the use of modular block wall systems of varying block sizes, patterns and tumbled edges. During the meeting the applicant identified several walls in the community that were not compliant with the current policy. Most likely these

had been constructed before the Board's decision to support modular block of a specific style and appearance, although some could have been illegally constructed as well. Louis continued by stating that the proposed modular block does not conform to the style the Architectural Review Board has consistently approved in the past; therefore, staff's recommendation is for the Board to deny the request as submitted.

Mr. Garas informed the members that he is an old architect from Egypt and has lived here for 40 years. He stated that the building is beautiful, that there are other similar walls in the area and that he did not know that City approval was needed. He indicated that he already paid the contractor and while they were working, the City inspector stopped the job, which affected his dignity as an architect, and that he was told the wall was ugly. He stated that he took several pictures of other walls in the area and he does not understand the problem. (Photographs were presented to the Board for their review). He stated that a high end building on Meramec picked the same stones he used; a Brentwood building used the same ones as well. He added that for a month he has been frustrated and hasn't slept; he tried to do something good. He asked for the same treatment as his neighbors and be allowed to use these stones as 80% of the walls are the same as his. He informed the members that he has no money to remove the stones; his contractor left him. He then asked the Board if they were going to help him or not.

Chairman Lichtenfeld complimented Mr. Garas for attempting to improve his property and keep mud off the driveway; however, the problem is there are aesthetic requirements and there are many that have varying colors, sizes and tumbled/rolled edges so they replicate natural stone. He noted that the building has natural stone on it and that there are products that look like the stone on the building; the straight blocks don't match the building. He noted that one of the pictures shows a tumbled wall and another shows natural stone wall.

Mr. Garas stated that he took pictures of many walls.

Chairman Lichtenfeld informed Mr. Garas that quite often, walls are illegally constructed and many were installed before the requirement.

Mr. Garas stated that his wall can't be seen from the street; it is perpendicular to the street and slopes down. He asked that the Board members, as neighbors, help him, as he doesn't know what to do.

Chairman Lichtenfeld asked if staff marked up the submittal (arrows, circles).

Louis Clayton replied "no"; the applicant did that.

Mr. Garas concurred. He again asked for the Board's help as this is a bad situation. He repeated that his wall can't be seen from the street.

Chairman Lichtenfeld disagreed. He stated that the wall is apparent as one drives down the street.

Mr. Garas again asked for help.

Chairman Lichtenfeld asked if the wall is over 4-feet in height.

Mr. Garas stated that he wanted a 6-foot wall, but he can make it 4 feet if that's what the Board wants.

Chairman Lichtenfeld referred to the requirement for a building permit for the wall. He stated that the issue here is the color and style of the blocks.

Pepe Finn asked if it would be possible to obtain some blocks in a different size and mix those in/interperse them with what's there so the result would be different size blocks.

Chairman Lichtenfeld replied that it's possible and then he would not have to remove what he has.

Mr. Garas informed the members that all the blocks have been delivered and the supplier won't take them back.

Mark Winings asked about the right-of-way situation.

Louis Clayton indicated that this was simply brought to this Board's attention so if the wall is approved, verification will be necessary.

Mark Winings asked about the arrows that were drawn on the submittal.

Mr. Garas stated that one indicates what the City likes and the other indicates the one he has.

Chairman Lichtenfeld informed Mr. Garas that it's not this Board's intention to be harsh, but there are regulations. He informed Mr. Garas of his willingness to meet him half way and allow a mix of blocks and incorporate either the Sandstone Blend or Timberwood Blend to provide some color, shape and style relief; he believes that will help.

Mr. Garas stated that he appreciates that. He reminded the members that there is a load behind the wall and that if it's not constructed properly, it won't work properly. He questioned if that will work as a whole wall. He stated he can mix in a different color block.

Chairman Lichtenfeld informed Mr. Garas that Romanstone is one system.

Mr. Garas indicated that if it will work he is happy to do it; he will ask the supplier. He reiterated that he can change the color.

Chairman Lichtenfeld informed Mr. Garas that he's quite sure it will work.

Sherry Eisenberg agreed.

Chairman Lichtenfeld stated that doing that will help achieve color and texture versus just a flat edge. He advised Mr. Garas to consult the supplier and contractor and go back to staff. He stated that the City is looking for a wall with a stone-like appearance.

Mr. Garas apologized; noting his intentions were good.

Hearing no further questions or comments, Craig Owens made a motion to approve the front yard retaining walls (parallel to the driveway) with the following conditions:

- That the walls be constructed using a combination of standard size tan-colored modular blocks (as existing) and the Romanstone Hardscape Sandstone Blend or the Romanstone Hardscape Timberwood Blend, or similar block with a real stone appearance, to be approved by staff prior to issuance of a building permit. The two block types are to be interspersed. This will require some of the existing blocks to be removed and replaced with the new block type. The blocks that are below the driveway do not have to be a mixture of the two block types; the standard size tan-colored modular blocks are acceptable.
- That it be verified that no portion of the walls encroach into the right-of-way.

The motion was seconded by Mark Winings and unanimously approved by the Board.

Chairman Lichtenfeld announced that this concludes the agenda items.

Chairman Lichtenfeld indicated that there will be two new Plan Commission/ARB members as of July and, referring to the Centene Campus, that this Commission will be receiving some education regarding development districts.

Chairman Lichtenfeld announced that Louis Clayton passed his certified planner exam (AICP). The other members congratulated Louis.

Chairman Lichtenfeld thanked Mark Winings and Sherry Eisenberg for their service to this Commission. He announced the Joanne Boulton (who was in attendance) will be the new

Aldermanic Representative and the other new citizen member (to replace Sherry) has yet to be approved.

Pepe Finn asked when the Board of Aldermen will be considering TIF or other incentives for Centene.

Craig Owens indicated that no meeting has been scheduled for that. He added that the State is taking that up tomorrow.

Pepe Finn asked if there's any way for the members of this Commission to receive advance notice when large projects are submitted to the City staff. She referred to reading an article in the Business Journal about a project (Centene) before an agenda had gone out.

Craig Owens informed Pepe about the Pending Applications section on Planning's page of the City website and the ability to receive notice when that section is updated.

Louis Clayton indicated that plans were not shown until the meeting.

Chairman Lichtenfeld stated that the policy has been that plans are needed ahead of time and conceptual presentations are encouraged; however, plans are not mandated so that a lot of money is not spent up front.

Craig Owens stated that the applicant is advised that the lack of plans beforehand reduces staff's comments and critique; however, it is the applicant's choice to proceed that way if they desire to do so.

Sherry Eisenberg thanked the City for allowing her to serve on this Commission.

Mark Winings announced that the Board of Aldermen adopted the new tree ordinance.

Pepe Finn informed staff that she won't be attending the July 5th meeting and possibly not the July 18th meeting.

Being no further question or comments, this meeting adjourned at 6:28 p.m.

Recording Secretary